

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The Applicants wish to thank the examiners for the courtesy extended to Applicants' representative during the personal interview conducted on October 6, 2009. The participants were Examiner Donado, SPE Perez-Gutierrez, and David Ward, Reg. No. 45198. During the interview, the points included in the discussion below were presented, and the examiners acknowledged that the pending claims patentably distinguish over the teachings of the references applied in the Office Action. A summary of the substance of the issues, claims and prior art discussed during the interview is included in the comments below.

Claims 1, 3, 4, 6, 19, 42, and 43 have been amended. Support for these amendments is provided in the original claims, specifically original claim 2. The amendments of claims 1, 19, 42, and 43 are considered to be non-narrowing; therefore, no estoppel should be deemed to attach thereto.

Claims 1-9, 11-17, 19-32, 34-36, and 39-43 were rejected, under 35 USC § 102(e), as being anticipated by Yoshimura (US 6,754,494). Claims 10, 18, and 33 were rejected, under 35 USC § 103(a), as being unpatentable over Yoshimura (US 6,754,494) in view of Johansson et al. (US 2002/0072370). To the extent that these rejections may be deemed applicable to the amended claims presented herein, the Applicants respectfully traverse based on the points set forth below.

Claim 1 now defines a method for controlling a plurality of base stations receiving a data packet from a communication terminal during a soft handover procedure. According to this method: (1) an uplink channel quality characteristic is evaluated for each of a plurality of base

stations communicating with a communication terminal and (2) some or all of the base stations, other than a base station having the best uplink quality, are controlled so as not to forward a data packet, received from the communication terminal, to a control unit. The claimed subject matter provides an advantage of reducing the signaling communicated between the plurality of base stations and the control unit (see specification page 11, lines 18-22).

The Office Action proposes that Yoshimura discloses a base station controller that releases a connection with a base station, which is experiencing poor communication quality with a mobile station, so that the base station will not continue to communicate data received from the mobile station (see Office Action page 21, second paragraph). The Office Action cites Yoshimura's column 1, lines 24-27, for this disclosure. The Applicants respectfully submit that the Office has misinterpreted Yoshimura's disclosure.

Yoshimura discloses that a base station controller selects a base station experiencing high quality communication with a mobile station and "connects the selected base station and the mobile station" (see Yoshimura col. 1, lines 18-23). Additionally, the base station controller releases such a connection when the communication quality between the base station and the mobile station is poor (see col. 1, lines 23-28). Thus, Yoshimura actually discloses releasing a connection between the base station and the mobile station, not a connection between the base station controller and the base station as proposed in the Office Action.

The Office Action's inference that Yoshimura's base station will discontinue communicating with the base station controller is predicated upon the assumption that the connection between the base station controller and the base station is released. Because Yoshimura does not disclose releasing a connection between the base station controller and the base station, contrary to the position taken in the Office Action, it necessarily follows that the

inference drawn in the Office Action is unfounded. Thus, it is apparent that Yoshimura does not disclose (or suggest) the Applicants' claimed subject matter of controlling some or all of a number of base stations, other than a base station having the best uplink quality from a communication terminal, so as not to forward a data packet, received from the communication terminal, to a control unit.

The conclusion that Yoshimura does not disclose the above-mentioned subject matter naturally follows for another reason. As described above, Yoshimura discloses connecting a base station and a mobile station, which are experiencing high quality communication, during a handover adding operation (see col. 1, lines 18-24) and releasing such a connection, when it is experiencing poor quality communication, during a handover deleting operation (see col. 1, lines 23-30). If, due to poor communication quality between the base station and the mobile station, Yoshimura's base station controller were to release its connection with the base station, then the base station controller would have no way to communicate with the base station to perform a handover adding operation when communication between the mobile station and base station improves. Stated another way, Yoshimura does not disclose any way to re-establish a released connection between the base station controller and the base station; thus, if such a connection were released, as proposed in the Office Action, the base station controller and base station would forever be unable to communicate.

Moreover, Yoshimura discloses releasing a connection, which is experiencing poor communication quality, so as to release an unnecessary radio line (see col. 1, lines 24-28). As illustrated in Yoshimura's Fig. 1, the base station controller 101 and all base stations 102-104 are connected by a land-line connection, not by a radio line. Thus, releasing the connection between

Yoshimura's base station controller and base station, as proposed in the Office Action, would not achieve Yoshimura's intended object of releasing a radio line.

As for communication between the base station controller and the base station, once the connection between the base station and the mobile station is released, Yoshimura does not disclose or imply that the base station discontinues forwarding previously received data packets to the base station controller. Thus, Yoshimura does not disclose the instant claimed subject matter of controlling some base stations not to forward received data packets to a control unit.

Accordingly, the Applicants submit that Yoshimura does not anticipate the subject matter now defined by claim 1. Independent claim 19 similarly recites the above-mentioned subject matter distinguishing claim 1 from Yoshimura. Therefore, the rejections applied to claims 10, 18, and 33 are obviated and allowance of claims 1 and 19 and all claims dependent therefrom is warranted.

Moreover, the Office Action proposes that Yoshimura discloses evaluating a signal-to-interference ratio (SIR), corresponding to the instant claimed subject matter, recited in independent claims 1 and 19, of evaluating an uplink channel quality characteristic (see Office Action page 3, last four lines).

However, Yoshimura discloses that each of a plurality of base stations transmits a pilot channel to a mobile station (see Yoshimura col. 5, lines 59-62, and col. 5, line 67, through col. 6, line 1). The mobile station receives each pilot channel and measures its SIR and reports the SIR to a base station controller through the base station (see col. 5, line 67, through col. 6, line 4).

As recognized by one of ordinary skill in the art, a communication signal transmitted from a base station to a mobile station is a downlink channel signal whereas a signal transmitted

from the mobile station to the base station is an uplink channel signal (see paragraph [0046] of Applicants' published specification, and Yoshimura col. 6, lines 8-12).

Thus, Yoshimura's SIR measurement evaluates a downlink channel quality characteristic, whereas claims 1 and 19 recite evaluating an uplink channel characteristic. Accordingly, Yoshimura does not identically disclose the instant claimed subject matter and, as a result, does not anticipate claims 1 and 19. Therefore, allowance of claims 1 and 19 and all claims dependent therefrom is warranted for this independent reason.

Furthermore, the Office Action proposes that Yoshimura's frame error rate (FER) information corresponds to the instant claimed subject matter, recited in claims 1 and 19, of a data packet that is received by a base station from a communication terminal and forwarded to a control unit (see Office Action page 3, lines 18-19). However, Yoshimura discloses that a mobile station generates the FER information (see Yoshimura col. 6, lines 8-12). Thus, Yoshimura's FER information is not a data packet received from a communication terminal, as is the claimed data packet. Therefore, allowance of claims 1 and 19 and all claims dependent therefrom is warranted for this independent reason.

Additionally, Yoshimura does not disclose the claimed subject matter, recited in claims 1 and 19, of determining a base station having the best uplink channel quality characteristic as a serving base station. And the Office Action does not provide a specific finding of fact to the contrary. Therefore, allowance of claims 1 and 19 and all claims dependent therefrom is warranted for this independent reason.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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